

**CITY COUNCIL
REGULAR MEETING
FEBRUARY 16, 2017**

The City Council held a regular meeting on Thursday, February 16, 2017 with a quorum present, to wit:

Christopher Fielder	Mayor
Ron Abruzzese	Mayor Pro Tem
Andrea Navarette	Councilmember, Place 1
Michelle Stephenson	Councilmember, Place 2
Shanan Shepherd	Councilmember, Place 3
Jeff Seiler	Councilmember, Place 5
Troy Hill	Councilmember, Place 6

ITEM 1. Mayor Fielder opened the meeting at 7:16 p.m. Mayor Pro Tem Abruzzese provided the invocation and Mayor Fielder led the Pledges of Allegiance.

ITEM 2. Roll Call showed a quorum of the Council as being present.

ITEM 3. STAFF REPORTS.

- a. Paula Lowe with Pattillo, Brown and Hill, LLP provided the Annual Financial Report for fiscal year ending September 30, 2016.

ITEM 4. CITIZENS PUBLIC COMMENT PERIOD.

Tom Nightingale, 1753 Cactus Mound Dr. – commented on Zoning Case 16-Z-024; number of trees being removed; emails sent to Council; concerns with proposed roadway backing up to homes; proposed initially a 20' barrier now it has been reduced to 5'; commented at previous Council meeting; backyards are currently located at the rear of the houses not a roadway; and concerned with the currently proposed 5' separation with only a thin fence.

Joseph Schulz, 1407 Roaring Fork – commented he had been following social media; attended tonight's workshop prior to the meeting; requested the Council take more time before voting on the items discussed; community growth needed; and asked the Council to weigh the pros and cons of their decisions.

Domi Schulz, 1401 Camelback – commented has a background in Urban Planning; good ideas being discussed; great ideas do not always make great reality; need to consider market expectations; do not want current utopia to become dystopia; rumors circulating; born under military dictatorship; and importance of 1st Amendment.

ITEM 5. RECOGNITIONS/PROCLAMATIONS/VISITORS. None

CONSENT AGENDA. *Agenda Item 6C was pulled from consent to be considered separately.*

Mayor Pro Tem Abruzzese made a motion, seconded by Councilmember Seiler, to approve Consent Agenda Items 7C through 13C. A vote was cast 7 in favor, 0 against.

ITEM 7C. Approve the submission of Racial (Biased Based) Profiling Report for calendar year 2016.

ITEM 8C. Approve Zoning Case 16-Z-027 Second Reading of an Ordinance No. 17-008-00 to amend the current zoning of SFU/MH-2-B (Single-Family Urban/Manufactured Home) to PUD (Planned Unit Development) with the base zoning district of SFT-2-A (Single-Family Townhouse) on one (1) parcel of land approximately 4.7306 acres \pm , more particularly described by Williamson Central Appraisal District Parcel R036460; and more commonly known as 510 Horseshoe Drive, Leander, Williamson County, Texas.

ITEM 9C. Approve Second Reading of an Ordinance No. 17-009-00 of the City of Leander, Texas annexing three (3) areas of land totaling 74.48 acres \pm , into the corporate limits of the City, including the abutting roadways and rights-of-way, at the request of the property owners; approving a service plan for the annexed areas; making findings of fact; providing a severability clause; providing an effective date; and providing for open meetings and other related matters.

ITEM 10C. Award bid to Majestic Services, Inc. for the construction of the Police Department Sally Port in an amount of Six Hundred Sixty-Four Thousand Three Hundred Ninety-Six Dollars and Ten Cents (\$664,396.10); and authorizing the City Manager to execute any and all necessary documents.

ITEM 11C. Accept Quarterly Investment Report for period ending December 31, 2016.

ITEM 12C. Accept Annual Financial Report for year ending September 30, 2016.

ITEM 13C. Approve Annexation Development Agreements under Section 43.035, Texas Local Government Code, between the City of Leander and each of the following property owners: MMA Ranch Limited Partnership; and Glenn A. George; authorizing the Mayor to execute any and all necessary documents; and providing an effective date.

Mayor Fielder made a motion, seconded by Councilmember Shepherd, to approve the February 2, 2017 minutes as amended and February 9, 2017 minutes as presented. A vote was cast 7 for, 0 against.

ITEM 14. Mayor Fielder opened a public hearing at 7:36 p.m. on the proposed creation of the Crystal Springs Public Improvement District (PID). No one spoke in favor or opposition of the request. Mayor Fielder continued the public hearing to March 2nd and March 9th at 7:36 p.m.

ITEM 15. The applicant, Doucet & Associates, Inc. (Syd Xinos & Melony May) on behalf of Capital Metro Transportation Authority, requested a postponement of the scheduled Public Hearing regarding Zoning Case 16-TOD-Z-036 to amend the current zoning of HC-4-C (Heavy Commercial), HI-5-D (Heavy Industrial), and PUD/TOD (Planned Unit Development/Transit Oriented Development) to PUD/TOD (Planned Unit Development/Transit Oriented Development) with a base zoning district of HI-5-D (Heavy Industrial) on one (1) parcel of land approximately 29.79 acres \pm , more particularly described by Williamson County Appraisal District Parcel R031728; and more commonly known as 60 Heritage Grove Road, Leander, Williamson County, Texas.

ITEM 16. Mayor Fielder opened a public hearing at 7:41 p.m. on the authorization of Brushy Creek Regional Utility Authority, Inc. to issue contract revenue refunding bonds. No one spoke in favor or opposition of the request. Mayor Fielder closed the public hearing at 7:41 p.m.

Mayor Pro Tem Abruzzese made a motion, seconded by Councilmember Navarrette, approving Resolution No. 17-007-00 approving a Resolution by the Board of Directors of the Brushy Creek Regional Utility Authority, Inc. authorizing the issuance of “Brushy Creek Regional Utility Authority, Inc. City of Leander, Texas contract revenue refunding bonds (Brushy Creek Regional Water Treatment and Distribution Project)”; establishing the procedures for selling and delivering the bonds and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of such bonds, including authorizing the City Manager to execute and approve all documents necessary to issue the bonds. A vote was cast 7 for, 0 against.

ITEM 17. Councilmember Seiler made a motion, seconded by Councilmember Shepherd, approving the Second Reading of Ordinance No. 17-010-00 of the City of Leander, Texas annexing 289.41 acres of land \pm , into the corporate limits of the City, including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause; providing for an effective date; and providing for open meetings and other related matters. A vote was cast 7 for, 0 against.

ITEM 18. Following comments, Mayor Pro Tem Abruzzese made a motion, seconded by Councilmember Stephenson, to approve Ordinance No. 17-011-00 regarding 16-CPA-004 amending the Comprehensive Plan to amend the Transportation Plan as set forth in the Comprehensive Plan adopted by Ordinance No. 16-091-00 by replacing with an updated Transportation Plan, attached hereto and incorporated herein as Exhibit “A”; providing for updating the Transportation Map and Pedestrian & Bicycle Facilities Map,

Leander, Williamson and Travis Counties, Texas; and providing an effective date. A vote was cast 7 for, 0 against.

ITEM 19. Following a discussion, Councilmember Seiler made a motion, seconded by Councilmember Shepherd, to postpone the *Street Tree* component of Ordinance No. 17-012-00 regarding 16-OR-006 amending the Leander Code of Ordinances, Chapter 14, Zoning, Article 14.02, Zoning Ordinance for clarification of liability. A vote was cast 7 for, 0 against. Discussion continued, Councilmember Shepherd made a motion, seconded by Councilmember Navarrette, to postpone the *Garage Standards regarding 50% of lots must include other than street-facing garages* component of Ordinance No. 17-012-00 regarding 16-OR-006 amending the Leander Code of Ordinances, Chapter 14, Zoning, Article 14.02, Zoning Ordinance. Discussion continued. Councilmember Navarrette withdrew her second, Councilmember Hill, seconded the original motion. Discussion continued. A vote was cast 4 for, 3 against (Navarrette, Abruzzese, Seiler). Discussion continued. Councilmember Stephenson made a motion, seconded by Councilmember Hill, to postpone *On-Site Septic Systems on a minimum of 1 acre lots* component of Ordinance No. 17-012-00 regarding 16-OR-006 amending the Leander Code of Ordinances, Chapter 14, Zoning, Article 14.02, Zoning Ordinance. A vote was cast 5 for, 2 against (Navarrette, Abruzzese). Discussion continued. Councilmember Seiler made a motion, seconded by Councilmember Shepherd, to approve the remaining items of Ordinance No. 17-012-00 regarding 16-OR-006 amending the Leander Code of Ordinances, Chapter 14, Zoning, Article 14.02, Zoning Ordinance with the Planning & Zoning Commission recommendations: add a definition for building envelope to clarify alley requirements and update the Lot Size Summary Table included in Article III, Section 18 to add "N/A" to the maximum lot width column associated with Tiny Houses and by updating lot size requirements, access requirements associated with residential use components, updating masonry requirements, updating driveway requirements, provide for Master Architectural Standards, add new residential use components and development standards for said components, update related sections, updating the Matrix, updating the compatibility standards, modifying setback requirements, promote access management, and related matters, Leander, Williamson and Travis Counties, Texas; providing a savings clause; providing a severability clause; and providing an effective date. Discussion continued. Councilmember Seiler modified his motion, seconded by Councilmember Shepherd, to include the *Street Tree* component with clarification of liability received by Second Reading. A vote was cast 6 for, 1 against (Hill).

ITEM 20. Mayor Fielder made a motion, seconded by Councilmember Seiler, to postpone until March 2, 2017, the Second Reading of Ordinance No. 17-012-00 regarding 16-OR-006 amending the Leander Code of Ordinances, Chapter 14, Zoning, Article 14.02, Zoning Ordinance. A vote was cast 7 for, 0 against.

ITEM 21. Councilmember Stephenson made a motion, seconded by Councilmember Shepherd, to postpone the *On-Site Septic Systems on a minimum of 1 acre lots* component of Ordinance No. 17-013-00 regarding 16-OR-003 amending the Leander Code of Ordinances, Chapter 10, Subdivision Regulation, Article 10.02, Subdivision Ordinance. Discussion continued. Councilmember Stephenson modified the original motion, seconded by Councilmember Shepherd, to postpone until March 2, 2017, Ordinance No.

17-013-00 regarding 16-OR-003 amending the Leander Code of Ordinances, Chapter 10, Subdivision Regulation, Article 10.02, Subdivision Ordinance, adopting streetscape standards by amending the Concept Plan requirements to encourage high intensity uses closer to the intersections of major roadways, identify criteria for lots to be served by on-site sewage treatment systems, promote access management, and related matters, Leander, Williamson and Travis Counties, Texas; providing a savings clause; providing for a severability clause; and providing an effective date. A vote was cast 6 for, 1 against (Abruzzese).

[Councilmember Shepherd recused herself and left the dais at 8:44 p.m.]

ITEM 22. Councilmember Stephenson made a motion, seconded by Councilmember Seiler, approving Ordinance No.17-014-00 amending the Code of Ordinances by amending Appendix A, Fee Schedule, Section A3.004 - Building Permits and Inspections; and Section A3.008 Transit Oriented Development. A vote was cast 6 for, 0 against.

[Councilmember Shepherd returned to the dais at 8:44 p.m.]

ITEM 23. Following a presentation from Todd McCullum with Randolph Todd Company, Councilmember Shepherd made a motion, seconded by Councilmember Seiler, directing Staff to proceed with the creation of a proposed Public Improvement District (PID) for the Deerbrooke Subdivision. A vote was cast 7 for, 0 against.

ITEM 24. Councilmember Shepherd made a motion, seconded by Councilmember Stephenson, to prepare incentive agreements for a hotel development. Discussion followed. A vote was cast 7 for, 0 against.

ITEM 25. Councilmember Seiler made a motion, seconded by Councilmember Stephenson, to approve Amendment 1 to Task Order WAL-1 with Walker Partners Engineering, Inc., for design, bidding, and construction phase professional services for Raider Way and E. Woodview Drive Roadway Improvements Project in an amount of One Hundred Thirty-Eight Thousand Dollars (\$138,000.00); authorizing the City Manager to execute any and all necessary documents; and providing an effective date. Comment followed. A vote was cast 7 for, 0 against.

ITEM 26. Following a discussion, Mayor Fielder made a motion, seconded by Councilmember Navarrette, to appoint Councilmember Shepherd as the Council Liaison, Sgt. Jeff Hayes as the Staff Liaison and Karen Thompson as a founding member to develop guidelines and regulations for new Historical Preservation Commission and bring back to the City Council for approval. A vote was cast 7 for, 0 against.

ITEM 27. Councilmember Shepherd made a motion, seconded by Councilmember Seiler, to approve Ordinance No. 17-015-00 amending the Code of Ordinances by amending Chapter 1, General Provisions, Article 1.04, Boards, Commissions and Committees, Division 1. "Generally", Section 1.04.003(e)(1) by repealing the provision

prohibiting any person serving on more than one (1) board, commission or special committee as provided therein; providing a severability clause; providing a savings clause; and providing an effective date. Comment followed. A vote was cast 7 for, 0 against.

ITEM 28. Mayor Pro Tem Abruzzese made a motion, seconded by Councilmember Seiler, to approve Ordinance No. 17-016-00 amending the Code of Ordinances by amending Chapter 1, General Provisions, Article 1.04, Boards, Commissions and Committees, Division 3. "Police Advisory Committee", Section 1.04.061 through Section 1.04.090 by repealing the entire Division and marking the Sections reserved for future use; providing a severability clause; providing a savings clause; and providing an effective date. A vote was cast 7 for, 0 against.

ITEM 29. Mayor Pro Tem Abruzzese made a motion, seconded by Councilmember Shepherd, to approve Ordinance No. 17-017-00 amending the Code of Ordinances by amending Chapter 1, General provisions, Article 1.04, Boards, Commissions and Committees, Division 5. "Golf Course Advisory Committee", Section 1.04.121 through Section 1.04.160 by repealing the entire Division and marking the Sections reserved for future use; providing a severability clause; providing a savings clause; and providing an effective date. A vote was cast 7 for, 0 against.

ITEM 30. Mayor Pro Tem Abruzzese made a motion, seconded by Councilmember Stephenson, to approve Ordinance No. 17-018-00 amending Chapter 1, General Provisions, Article 1.04, Boards, Commissions and Committees, Division 6. "Economic Development Advisory Board", Section 1.04.161 through Section 1.04.165 by repealing the entire Division and marking the Sections reserved for future use; providing a severability clause; providing a savings clause; and providing an effective date. A vote was cast 7 for, 0 against.

ITEM 31. Public Works Director Pat Womack provided the monthly water use and supply update.

ITEM 32. Following a discussion, the consensus of the City Council agreed to hold the previously scheduled January Retreat on March 18, 2017, beginning at noon at a location yet to be determined.

ITEM 33. COUNCILMEMBER CLOSING STATEMENTS.

Michelle Stephenson – thanked everyone for coming tonight.

Shanan Shepherd – expressed her appreciation for everyone on the dais; had good conversations tonight; and that keeps us on track to do the right thing.

Troy Hill – reiterated Councilmember Shepherd's comments; appreciated everyone's thoughtfulness tonight about the issues; the gravity of what we do effects our town going forward; and appreciated the thought everyone put into it.

Jeff Seiler – thanked Asst. City Manager Tom Yantis, he had tough job tonight and did very well; reminded everyone of a couple calendar events: Black History Celebration tomorrow night, Living Leander Expo next Friday and Leander Baseball opening day is next Saturday.

Ron Abruzzese – thanked everyone involved on the three (3) items from Staff to Planning & Zoning Commission; lots of work went into them; happy to be working on it; and wished we had gotten a little further but will get through it all.

Christopher Fielder – reiterated Black History Celebration is tomorrow night; hope everyone is able to attend; and shared note received from Jeff Anderson with the Williamson County YMCA expressing he recently worked with Parks and Recreation Director Mark Tummons and he was great hire for the City; and thanked Mayor Pro Tem for filling in during his absence; and it means a lot knowing he can step away and everything is taken care of in the right manner.

ITEM 34. Mayor Fielder recessed into Executive Session at 9:19 p.m. pursuant to Texas Government Code Section 551.072; Deliberation Regarding Real Property; to deliberate the purchase, exchange, lease, or value of real property located on the west side of S. West Drive between Horseshoe Drive and Sheila Drive in the City of Leander, Williamson County, Texas. Mayor Fielder reconvened into open session at 9:31 p.m.

ITEM 35. Mayor Pro Tem Abruzzese made a motion, seconded by Councilmember Navarrette, to authorize the acquisition of approximately .046 acres of property located on the west side of S. West Drive between Horseshoe Drive and Sheila Drive in the City of Leander, Williamson County, Texas in an amount not to exceed Ten Thousand Dollars (\$10,000.00); and authorize the City Manager to execute any and all necessary documents. A vote was cast 7 for, 0 against.

ITEM 36. The meeting adjourned at 9:32 p.m.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

